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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>8-29-12</u>

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## MEMO ENDORSED

August 27, 2012

VIA FACSIMILE

Honorable P. Kevin Castel  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Garcia et al. v. V&T Restaurant, Inc. et al.*,  
Civil Action No. 11-cv-4507 (PKC) (JCF)

Dear Judge Castel:

Along with the Urban Justice Center, we represent the plaintiffs in the above-referenced action. As Your Honor may recall, the parties executed a formal settlement agreement dated June 12, 2012. Your Honor issued an order of dismissal without prejudice to the right to reopen the action within forty-five (45) days, or by August 27, 2012, if the settlement was not consummated by that time [Doc. No. 18].

Unfortunately, the defendants have failed to meet a material requirement of the settlement agreement that the parties agreed would be a condition precedent to dismissal of the action with prejudice. We have notified defendants' counsel of the breach and have given the defendants ample time to cure the breach, but the defendants have still failed to do so. Therefore, we respectfully request a pre-motion conference with Your Honor to discuss filing a motion to reopen the action pursuant to the order of dismissal.

Respectfully submitted,

Marc D. Ashley  
Counsel for Plaintiffs

cc: David Colodny, Esq.  
Paul I. Weiner, Esq.

*Time to  
move to extend  
reopen  
to September 14, 2012  
SO ORDERED.  
JCF  
8-28-12*

